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Twenty-sixth meeting of chairpersons of the human rights treaty bodies
Geneva, 23–27 June 2014
Item 2 of the provisional agenda
Adoption of the agenda

Provisional agenda and annotations

Note by the Secretary-General

1. The twenty-sixth meeting of chairpersons of the human rights treaty bodies will be held from 23 to 27 June 2014, pursuant to General Assembly resolution 49/178 of 23 December 1994.

2. The present document contains the provisional agenda and annotations for the twenty-sixth meeting.

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Provisional agenda

1. Opening of the meeting and election of officers.

2. Adoption of the agenda.

3. Organizational matters.

4. Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to the harmonization of working methods.

   (a) General discussion:

      (i) Tasks and related measures under resolution 68/268;

      (ii) Enhanced interaction between the chairpersons of the human rights treaty bodies and their respective treaty bodies to ensure follow-up and implementation of the recommendations contained in resolution 68/268, including the mandated review foreseen in paragraphs 40 and 41 of the resolution;

   (b) Simplified reporting procedure;

   (c) Constructive dialogue between treaty bodies and States parties;

   (d) Concluding observations.

5. Informal consultation with States.

6. Informal consultation with civil society organizations and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

7. Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to reporting compliance by States parties.

8. Other matters.

9. Adoption of the report and identification of the dates and venue for the twenty-seventh meeting of the chairpersons of the human rights treaty bodies.

Annotations

1. Opening of the meeting and election of officers

The meeting will convene in Geneva on Monday 23 June 2014 at 10 a.m. The meeting will elect its Chairperson and Vice-Chairperson, based on the principle of rotation among

chairpersons and in accordance with the decision adopted by the chairpersons at their twenty-fifth meeting.

2. Adoption of the agenda

The meeting will adopt its agenda on the basis of the provisional agenda contained in the present document.

3. Organizational matters

Under this agenda item, the meeting will consider and adopt a programme of work.

4. Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to the harmonization of working methods

(a) General discussion

Participants will be briefed on General Assembly resolution 68/268. The chairpersons will discuss the impact of the resolution on their respective treaty bodies and the need to enhance interaction between those bodies and the meeting of chairpersons in order to ensure follow-up to, and implementation of, the recommendations in the resolution.

At their twenty-fifth meeting, the chairpersons committed themselves to continuing to align their working methods, which is in line with resolution 68/268. At the same meeting, they reiterated their recommendation, which had previously been discussed within each committee, that they should adopt measures on working methods and procedural matters that would be common to all the treaty bodies, and that such measures should be implemented by all the treaty bodies, unless a committee subsequently dissociated itself from them.

(b) Simplified reporting procedure

In resolution 68/268, the General Assembly encouraged the human rights treaty bodies to offer to States parties for their consideration a simplified reporting procedure, also known as the list of issues prior to reporting, and to set a limit on the number of questions included. The meeting will have before it a report containing an overview of existing practices concerning the lists of issues prior to reporting and recommendations for consideration by the chairpersons.

(c) Constructive dialogue between treaty bodies and States parties

As agreed during the twenty-fifth meeting of chairpersons, participants will review the possible alignment of the methodologies for the constructive dialogue between States parties and treaty bodies. The meeting will have before it a report containing an overview of existing methodologies in relation to the constructive dialogue with States parties and recommendations for consideration by the chairpersons.

(d) Concluding observations

As agreed during the twenty-fifth meeting of chairpersons, participants will review the possibility of developing a common format for concluding observations. The meeting will have before it a report containing an overview of existing formats of concluding observations, and recommendations for consideration by the chairpersons.

5. Informal consultation with States

Participants will meet with representatives of States. It is proposed that the main topic of discussion during the informal consultation should be the implementation of resolution 68/268.

6. Informal consultation with civil society organizations and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

Participants will meet with representatives of the International Coordinating Committee of National Human Rights Institutions and with civil society organizations. It is proposed that the topic of discussion for this informal consultation should be the engagement of treaty bodies with civil society organizations and national human rights institutions and the implementation of resolution 68/268.

7. Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to reporting compliance by States.

At their twenty-fifth meeting, the chairpersons expressed concern over late reporting and non-reporting by a number of States parties to international human rights treaties. They decided to include overdue and non-reporting by States parties as a standing item on the agenda of the annual meeting and to include the status of late reporting and non-reporting by States parties in future reports on the meeting. Participants will review the status of reporting compliance by State parties.

8. Other matters

The chairpersons will discuss any other matters relating to the work of treaty bodies, as considered necessary.

9. Adoption of the report and identification of the dates and venue for the twenty-seventh meeting of chairpersons of the human rights treaty bodies

The chairpersons will adopt a report on their meeting, including conclusions and recommendations, to be submitted to the General Assembly at its sixty-ninth session.

They will also determine the dates and venue of their twenty-seventh meeting, to be held in 2015.

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Twenty-sixth meeting of chairpersons of the human rights treaty bodies
Geneva, 23–27 June 2014
Item 4 (d) of the provisional agenda
Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to the harmonization of working methods

Concluding observations

Note by the secretariat

Summary

The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, encouraged the treaty bodies, inter alia, to adopt short, focused and concrete concluding observations, including the recommendations therein, that reflected the dialogue with the relevant State party, and to that end further encouraged them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and of their mandates, as well as the views of States parties. The chairpersons, at their twenty-fifth meeting, also recommended that the possibility of a common format for concluding observations be discussed at their twenty-sixth meeting in June 2014 (A/68/334, para. 45).

The present note by the secretariat contains an overview of previous discussions on the subject and of existing treaty body practices with respect to concluding observations. The secretariat further suggests elements for endorsement by the chairpersons, based on good practices identified and the contents of General Assembly resolution 68/268.

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I. Introduction

1. The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, "encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods".

2. In the same resolution, the General Assembly recognized "the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress made by States parties to the respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties". It also recognized "the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system". Further, the Assembly emphasized "that strengthening and enhancing the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and international human rights instruments establishing treaty bodies", and recognized in that regard "the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning".

3. In the light of the above, the General Assembly "encourages the human rights treaty bodies to adopt short, focused and concrete concluding observations, including the recommendations therein, that reflect the dialogue with the relevant State party, and to this end further encourages them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and of their mandates, as well as the views of States parties".

4. At the twenty-fifth meeting of chairpersons of the human rights treaty bodies, the chairpersons recommended that their twenty-sixth meeting include a discussion of the possibility of a common format for concluding observations (titles, length, number of recommendations) (A/68/334, para. 45). The present note is submitted pursuant to that recommendation and General Assembly resolution 68/268.

5. The State party review by the treaty bodies consists of four components which build on one another: the submission by the State party of its initial or periodic report; the constructive dialogue between the State party and the committee; the concluding observations; and the follow-up to those observations. The State party review forms a continuum and each cycle builds on the preceding one. Hence, the present note by the secretariat should be read in conjunction with the notes by the secretariat on the simplified reporting procedure (HRI/MC/2014/4) and on the constructive dialogue (HRI/MC/2014/3).

6. Nine treaty bodies (the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances) formulate concluding observations following the consideration of reports from States parties. In general, the concluding observations are structured as follows: (a) introduction; (b) positive aspects; (c) principal areas of concern; and (d) recommendations. The main

objective of the concluding observations is to identify, in a constructive manner, the achievements as well as the problems and challenges related to the protection of human rights, as defined in the treaty, in the State party and to assist the State party in addressing problems and challenges by providing recommendations for action.

7. Concluding observations are fundamental tools for State parties to use in complying with their treaty obligations. A State party, in its periodic report to a treaty body, should inform that treaty body about the measures it has undertaken to implement the previous concluding observations. It is therefore of paramount importance that the concerns and recommendations in the concluding observations are concise, concrete and tailored to the specific situation facing the State party that they address. The accuracy and quality of the recommendations of treaty bodies are determining factors in their usefulness to States and stakeholders to promote improvements at the national level.

8. While there has been convergence among the concluding observations of treaty bodies in recent years, treaty bodies maintain different practices in a number of areas with respect to concluding observations. In the present note, the secretariat provides an overview of previous discussions and recommendations on concluding observations. It also describes the working methods of individual treaty bodies with respect to the concluding observations as they stood at the time of drafting of this report (March 2014), covering the practices of all treaty bodies that are mandated to receive and consider reports submitted by States parties. In the last part of the note, elements for aligning concluding observations are suggested for endorsement by the chairpersons, based on good practices identified and the contents of General Assembly resolution 68/268.

II. Background

9. The alignment of the concluding observations of the treaty bodies has been examined in a number of meetings and United Nations documents.

10. In 2011, the chairpersons, at their twenty-third annual meeting, adopted the following points of agreement regarding concluding observations (A/66/175, para. 4):

(a) **Follow-up to previous recommendations**. With regard to periodic reports, previous concerns and recommendations should be the point of departure for the new concluding observations so as to ensure a clear assessment of the progress made by the State party since the previous review. Concerns and recommendations that have not been addressed would therefore be reiterated, while new concerns relating to more recent developments should also be included;

(b) **Suggested format for recommendations in concluding observations**. Treaty bodies are encouraged to produce focused recommendations, to limit the length of paragraphs and the number of subparagraphs by focusing on the main areas of concern and, if appropriate, to use subject headings. To that end, treaty bodies are encouraged to draft concluding observations using a clear format in which:

(i) Each paragraph addresses no more than three issues;

(ii) The concern is expressed in a maximum of three sentences;

(iii) The recommendation consists of an introductory sentence, if applicable, and up to three recommendations matching the order of the concerns, organized in sequentially lettered subparagraphs;

(iv) The recommendation could refer to relevant provisions of the treaty as well as to general comments/recommendations.

(c) **Standard paragraphs in concluding observations**. Individual treaty bodies were invited to discuss whether all standard paragraphs should be maintained or whether their use should be restricted to a specific country context, in cases deemed to be relevant and applicable;

(d) **Targeted recommendations in concluding observations**. All treaty bodies should carefully review the wording used when drafting recommendations so as to make their concluding observations more country-specific and targeted;

(e) **Section on factors and difficulties in concluding observations**. Treaty bodies should be cautious about including a section on factors and difficulties affecting the implementation of the convention/treaty by the State party. It has been noted that some treaty bodies that had such a section have subsequently abolished it;

(f) **Cross-referencing**. Treaty bodies should, in line with a previous recommendation, make cross-references to and repeat the recommendations of other treaty bodies and special procedures mandate holders, where appropriate.

11. In its resolution 68/268, the General Assembly "encourages the human rights treaty bodies to adopt short, focused and concrete concluding observations, including the recommendations therein, that reflect the dialogue with the relevant State party, and to this end further encourages them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and of their mandates, as well as the views of States parties".

12. The Dublin II outcome document[1] contained recommendations regarding the concluding observations which formed the basis for recommendations included in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860). In particular, the High Commissioner recommended that treaty bodies:

(a) Adopt a common format for the drafting of concluding observations and include titles (subject headings) therein;

(b) Reduce the length of their concluding observations in order to achieve greater efficiency and impact. The word limit for in-session translations (3,300 words/six pages) could be used as guidance, taking into account the number of substantive provisions and the scope of each treaty concerned;

(c) Ensure that the reporting cycle focuses on priority issues in the State under review, that concluding observations are country specific and targeted and that previous concluding observations are the point of departure of each new reporting cycle. In addition, the concluding observations should reflect the issues raised by the treaty body concerned during the constructive dialogue;

(d) Avoid, when formulating concluding observations, recommendations of a general nature, the implementation of which cannot be measured and, instead, give concrete guidance about the steps that need to be taken to implement treaty obligations. Recommendations that call for structural change, including in national legislation in order to bring it into line with the provisions of the relevant treaty, should be made systematically;

(e) When possible, divide concluding observations between immediate and longer term priority issues, based on a balance between urgency and the feasibility of addressing the different issues within any given reporting cycle;

[1] Available from http://www2.ohchr.org/english/bodies/HRTD/docs/DublinII_Outcome_Document.pdf.

(f) If a particular treaty provision or standard has not been respected, specify the articles in question for greater clarity;

(g) Ensure that recommendations of a programmatic nature or requiring positive steps by the State party include suggested indicators by which to measure achievement;

(h) Use, when deemed relevant, cross-referencing and reinforcement of the recommendations of other treaty bodies, the universal periodic review and special procedures mandate holders.

III. Existing treaty body practices as regards concluding observations

13. In this section, treaty body practices are analysed in the context of the recommendations endorsed by the chairpersons of treaty bodies at their twenty-second and twenty-third meetings.

A. Follow-up to previous concluding observations

14. At their twenty-third meeting, the chairpersons endorsed the recommendation that previous concerns and recommendations should be the point of departure for the new concluding observations so as to ensure a clear assessment of the progress made by the State party since the previous review. It also supported the recommendation that concerns and recommendations that have not been implemented should therefore be reiterated, and that new concerns relating to more recent developments should also be included (A/66/175, annex II, para. 25).

15. To various degrees, all treaty bodies take into account their previous concerns and recommendations as the basis for the next concluding observations.

B. Concluding observations reflecting the constructive dialogue

16. In its resolution 68/268, the General Assembly encouraged the treaty bodies to reflect in their concluding observations the constructive dialogue with the State party.

17. Seven of the nine treaty bodies that adopt concluding observations limit the issues reflected in the concluding observations to the content raised during the oral constructive dialogue with the State party. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child also reflect elements which may not have been raised during the oral constructive dialogue, based on State party replies to the list of issues.

C. Prioritizing concerns and recommendations

18. The High Commissioner recommended that, where possible, concluding observations should be divided between immediate and longer term priority issues, based on a balance between urgency and the feasibility of addressing different issues within any given reporting cycle (A/66/860, sect. 4.2.6).

19. Four treaty bodies (the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture) prioritize their recommendations in the context of their follow-up procedure.

D. Length of concluding observations

20. At their twenty-second meeting, the chairpersons endorsed the recommendation that each treaty body should explore ways of reducing the length of its concluding observations (A/65/190, annex II, para. 23). The recommendation highlighted the need for concluding observations to be as precise as possible while ensuring their high quality and the full exercise of the mandate of the treaty bodies in monitoring the implementation of all rights enshrined in their respective conventions. The High Commissioner further suggested using the word limit for in-session translation (3,300 words/six pages) as guidance (A/66/860, sect. 4.2.6).

21. The concluding observations of five (the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Migrant Workers, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances) out of nine treaty bodies are 3,300 words or less. The concluding observations of the Committee on Economic, Social and Cultural Rights are, on average, about 4,000 words and those of the Committee on the Elimination of Discrimination against Women are an average of 5,000 words. The Committee against Torture adheres to a word limit of 5,000 words for its concluding observations. The Committee on the Rights of the Child is in the process of reducing the length of its concluding observations, which currently average from 9,000 to 10,000 words.

E. Targeted recommendations in the concluding observations

22. At its twenty-third meeting, the chairpersons endorsed the recommendation that concluding observations be specific and targeted (A/66/175, annex II, para. 29). That call was echoed by the High Commissioner for Human Rights, who recommended that concluding observations should avoid recommendations of a general nature and give concrete recommendations on the steps needed for implementing a treaty (A/66/860, sect. 4.2.6). She also suggested that recommendations that called for required structural changes, such as amendments to national legislation, be systematically included in concluding observations. She further recommended that all concluding observations specify the articles of the treaty requiring action by a State party and that recommendations of a programmatic nature or requiring positive steps by a State party include suggested indicators for measuring achievement.

23. All treaty bodies strive to formulate specific and concrete recommendations as much as possible. Six treaty bodies (the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities) specify the articles of the treaty requiring action by a State party. There is no fixed practice or guidelines on the other elements listed above. On the development and application of possible indicators for measuring achievement, discussions have suggested that there is, as yet, no consensus for such indicators. Treaty bodies may also wish to consider using specific time-bound targets for measures relating to the implementation of their recommendations in the interim.

F. Format for concluding observations

24. At its twenty-third meeting, the chairpersons supported the encouragement of all treaty bodies to include subject headings in their concluding observations (A/66/175, annex II, para. 26). It further endorsed the recommendation to use a clear format, with subject headings, in which: each paragraph addressed no more than three issues; the concern was

expressed in a maximum of three sentences; the recommendation consisted of an introductory sentence, if applicable, and up to three recommendations matching the order of the concerns, organized in sequentially lettered subparagraphs; and the recommendation could refer to relevant provisions of the treaty as well as to general comments/recommendations.

25. Of the nine treaty bodies that issue concluding observations, seven already use subject headings (the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Rights of the Child, the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities). Seven treaty bodies (the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities) currently make specific reference to relevant treaty provisions and/or general comments in their recommendations. Treaty bodies do not yet consistently apply the other format elements listed above.

G. Cross-referencing of other treaty bodies and human rights mechanisms

26. At their twenty-third meeting, the chairpersons endorsed the call for treaty bodies to use cross references to and repeat the recommendations of other treaty bodies and special procedures mandate holders, where appropriate (ibid., annex II, para. 31). The High Commissioner recommended that treaty bodies also consider cross-referencing recommendations of the universal periodic review (A/66/860, sect. 4.2.6).

27. Three treaty bodies (the Committee on the Rights of the Child, the Committee on Migrant Workers and the Committee on Enforced Disappearances) cross-reference other treaty bodies and human rights mechanisms. The other treaty bodies (the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Rights of Persons with Disabilities) practice cross-referencing to varying degrees and in an ad hoc manner. In practical terms, cross-referencing results in a longer text, so sometimes the decision with regard to this practice might be taken for technical reasons.

H. Use of standard paragraphs in concluding observations

28. At their twenty-third meeting, the chairpersons also endorsed the invitation to individual treaty bodies to discuss whether all standard paragraphs should be maintained or whether their use should be restricted to a specific country context, in cases deemed to be relevant and applicable (A/66/175, annex II, para. 28).

29. All treaty bodies use standard paragraphs sparingly. When used, such standard paragraphs are adapted to the specific circumstances of the State party as necessary. In some instances, standard paragraphs might be used by treaty bodies to ensure consistency among the various State party reviews.

I. Section on factors and difficulties affecting treaty implementation

30. At its twenty-third meeting, the chairpersons endorsed the call for caution on the continued inclusion of a section on factors and difficulties affecting treaty implementation (ibid., para. 30).

31. Six of the nine treaty bodies (the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances) have eliminated from their concluding observations the section on factors and difficulties affecting the implementation of the treaty. The remaining three treaty bodies (Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Migrant Workers) include such a section only on an exceptional basis. The Committee on the Elimination of Discrimination against Women sometimes uses the title "implementation of the Convention" rather than "factors and difficulties".

IV. Suggested elements for consideration by the chairpersons

32. **The adoption of short, focused and concrete concluding observations, as recommended by the General Assembly in its resolution 68/268, presents a number of clear benefits. It would allow States parties to use concluding observations as a tool for guiding concrete legislative, policy, programmatic and institutional improvements. It would also facilitate the national implementation of treaty body recommendations by States parties and support follow-up by national human rights institutions. Furthermore, the use of a clear format and the inclusion of subject headings would facilitate the indexing of treaty body recommendations, and would be conducive to more effective implementation and follow-up by the responsible State entities. The utility of treaty body recommendations for other human rights mechanisms, including special procedures and the universal periodic review, would also be enhanced through such improvements to the concluding observations. Overall, that would significantly increase the standing and visibility of individual treaty bodies and the treaty body system as a whole.**

33. **Based on existing good practices, the chairpersons could consider endorsing the following common guidelines on concluding observations and recommend them for implementation by their respective treaty bodies:**

(a) Use clear, treaty-specific subject headings which are thematically clustered while referring to the corresponding articles;

(b) Limit concluding observations on periodic reports to 3,300 words;

(c) Request the country rapporteur to prioritize recommendations, with a pragmatic view of the capacity of States parties to meaningfully implement measures within a given reporting cycle, by taking into account:

(i) The extent of the implementation by the State party of previous concluding observations;

(ii) The need to balance immediate and longer term priorities, both in terms of urgency and the feasibility of implementation;

(iii) The simplified reporting procedure and the constructive dialogue as the basis for identifying recommendations;

(d) Formulate recommendations that provide specific guidance on country-specific measures required for implementing treaty obligations, including by:

(i) Systematically including guidance on any legislative or structural changes required by the State party;

(ii) Specifying the relevant articles of the respective treaty;

(iii) Suggesting, wherever possible, indicators for measuring State party implementation of the specific treaty provision or, as a minimum, time-bound targets when relevant;

(e) Cross-reference relevant recommendations of other human rights treaty bodies and mechanisms with a view to strengthening the complementarity of human rights mechanisms;

(f) Limit the use of standard paragraphs to specific instances in which they are required for ensuring the consistency of jurisprudence and/or equal treatment of States parties only and ensure that they are country-specific when used;

(g) Abolish, other than for exceptional circumstances based on pre-determined criteria, the inclusion of a section on factors and difficulties.

34. **In accordance with the double parameters of the Poznan formula, reflected in General Assembly resolution 68/268, the chairpersons could also endorse the draft aligned format for concluding observations contained in the annex to the present note by the secretariat, and recommend it for implementation by all treaty bodies.**

Annex

Draft aligned format for concluding observations

A. Introduction

Paragraph setting out the dialogue, when the Committee considered the report of the State party (dates and meetings) and when the Committee adopted the concluding observations.

Short paragraph welcoming the report/written replies (as relevant), noting its due date and referring to the delegation, the tone of the dialogue and/or any other introductory matters.

B. Positive aspects

Paragraphs setting out positive legislative, administrative, programmatic or institutional matters that the State party has taken over the reporting period (including ratifications, where appropriate).

Positive aspects should also indicate the previous recommendations of the Committee that have been successfully implemented.

C. Principal matters of concern and recommendations, including follow-up to previous concluding observations

Concerns and recommendations should be clustered under subheadings.

Concerns and recommendations should reflect the information in the report and replies to lists of issues as well as questions and issues raised in the dialogue.

Concerns should be stated succinctly and followed by recommendations in bold.

The recommendation should not repeat information already included in the concern.

The concern and/or the recommendation should reference previous recommendations of the Committee as appropriate (i.e., where the previous recommendation was only partially implemented or not implemented at all).

Committees are encouraged to refer to relevant recommendations of other treaty bodies covering the same issue, as appropriate.

Recommendations should indicate time frames where possible, for example, identifying measures to be implemented in the short and long term, where appropriate.

Recommendations could prioritize actions where relevant, for example, identifying measures (short or long term) to which the State party should pay particular attention.

Not every concern requires a recommendation; the Committee should endeavour to set out only those recommendations which the State party will be able to demonstrate, at the next dialogue, that it has implemented.

D. Follow-up and dissemination

The Committee identifies those recommendations subject to the follow-up procedure (where such a procedure exists).

The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to all concerned, namely, ministers and/or ministries, Parliament, the judiciary and local authorities, for appropriate consideration and further action.

The Committee requests the State party to report on steps taken in implementation as part of the follow-up procedure (where such a procedure exists).

The Committee establishes the due date for the next report.

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Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies, pertaining to the harmonization of working methods

Constructive dialogue between treaty bodies and States parties

Note by the secretariat

Summary

The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, encouraged the human rights treaty bodies to collaborate in the elaboration of an aligned methodology for their constructive dialogue with States parties, with the aim of making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue. The chairpersons, at their twenty-fifth meeting, also recommended discussing the alignment of the methodologies for the interactive dialogue with States parties at their twenty-sixth meeting (A/68/334, paragraph 45).

The present note by the secretariat contains an overview of previous discussions on the subject and of existing treaty body practices with respect to the constructive dialogue with States parties. In the note, elements for endorsement by the chairpersons are also suggested, based on good practices identified and the contents of resolution 68/268.

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I. Introduction

1. The General Assembly, in its resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system, encouraged "the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods" (para. 38).

2. In the same resolution, the General Assembly recognized "the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress made by States parties to the respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties". The General Assembly further recognized "the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system". It also emphasized "that the strengthening and enhancing of the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and international human rights instruments establishing treaty bodies", and recognized in this regard "the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning".

3. In the light of the above, in the same resolution the General Assembly encouraged "the treaty bodies to collaborate towards the elaboration of an aligned methodology for their constructive dialogue with the States parties, bearing in mind the views of States parties as well as the specificity of the respective committees and of their mandates, with the aim of making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue with States parties" (para. 5). It also encouraged the treaty bodies "to adopt short, focused and concrete concluding observations, including the recommendations therein, that reflect the dialogue with the relevant State party" (para. 6).

4. At the twenty-fifth meeting of the chairpersons of the human rights treaty bodies, the chairpersons recommended that at their twenty-sixth meeting they discuss the possible alignment of methodologies for the constructive dialogue with States parties, including the content of written guidelines, the role and responsibilities of country task forces or rapporteurs, the clustering of questions by themes, the equitable allocation of time between treaty body members and the State party, the follow-up to previous concluding observations and significant developments (A/68/334, paragraph 45). The present note by the secretariat is submitted pursuant to that recommendation and General Assembly resolution 68/268.

5. The State party review by the treaty bodies consists of four components which build on one another: the submission by the State party of its initial or periodic report, the constructive dialogue between the State party and the committee, the concluding observations and the follow-up to those observations. The State party review forms a continuum and each cycle builds on the preceding one. Hence, the present note by the secretariat should be read in conjunction with the notes by the secretariat on a simplified reporting procedure (HRI/MC/2014/4) and on concluding observations (HRI/MC/2014/2).

6. In general, the face-to-face or constructive dialogue follows the same broad structure for all treaty bodies: (a) the State party is invited to send a delegation to attend the meetings at which the committee will consider the report of the State party; (b) the head of the delegation, usually a representative of the Government of the State in question, is invited to make a brief opening statement; (c) members of the committee, in some cases led by the country rapporteur(s) or country task force, pose questions on specific aspects of the report of particular interest or concern; and (d) the State party delegation responds to those questions. In principle, an initial review requires a comprehensive assessment by the committee of the enjoyment by all of the rights in the treaty concerned and the related compliance by the State party concerned. A periodic report is by its nature more focused on the previous recommendations made by the committee. In practice, however, and with some degree of variation between the different treaty bodies, the difference between the dialogue concerning an initial report and the dialogue on a periodic report is minimal.

7. There are significant variations with regard to the methodology applied by the respective treaty bodies in the conduct of the constructive dialogue with States parties. This has led States and stakeholders to call for improving the efficiency and structure of dialogues with a view to enhancing accessibility, effectiveness and impact. The present note provides an overview of previous discussions and recommendations on the constructive dialogue. It also describes the working methods of individual treaty bodies with respect to the constructive dialogue, as they stood at the time of drafting of the note, covering the practices of all treaty bodies that are mandated to receive and consider reports submitted by States parties. In the last part of the note, elements for aligning the methodologies for the constructive dialogue are suggested for endorsement by the chairpersons, based on good practices identified and on resolution 68/268.

II. Background

8. A number of meetings and United Nations documents have examined the alignment of the methodologies of the treaty bodies for the constructive dialogue with States parties.

9. The chairpersons of the human rights treaty bodies, in their statement adopted at the informal consultation in Washington, D.C., on 1 February 2014 in the context of the treaty body strengthening process, reaffirmed their commitment to the harmonization and improvement of working methods by treaty bodies, both individually and collectively. In that context, the chairpersons noted that the treaty bodies remained committed to formulating their concluding observations on the basis of the dialogue with States and other stakeholders.

10. At their twenty-third annual meeting in 2011, the chairpersons adopted the following points of agreement regarding the constructive dialogue with States parties (A/66/175, para. 4):

(a) **Written guidelines for States parties.** Each committee should prepare written guidelines for its dialogue with States parties in the context of the reporting process, keeping in mind the practice of the Human Rights Committee. The guidelines should be translated into the working languages of the respective committees and be transmitted to the State party in question in advance of the consideration of its report. The fact that the secretariat systematically provided technical briefings for the permanent missions of the States parties scheduled for review was welcomed;

(b) **Length of the dialogue.** The dialogue with a State party should, as a general rule, be limited to two meetings (six hours in total), except in the case of initial reports. The suggestion, made by some participants in the informal technical consultations for States parties held at Sion, Switzerland, in May 2011, to allocate only one meeting (three hours in

total) for the dialogue with a State party was not supported, as that would leave insufficient time for a meaningful dialogue on, and an in-depth analysis of, the implementation of the relevant treaty by the State party;

(c) **Opening statements.** Each treaty body should allocate no more than 30 minutes for the opening statements of States parties, in order to maximize the use of the time available and allow for a more interactive dialogue with the State party. However, it was noted that flexibility could be applied in extraordinary circumstances;

(d) **Time management.** The chairpersons of the treaty bodies should exercise their power to lead the dialogue effectively, so as to ensure a balanced exchange between treaty body members and the State party delegation. In that respect, the various treaty bodies were encouraged to introduce a time limit, based on the model applied by the Committee on the Elimination of Discrimination against Women, for interventions by their members and for States parties to reply to questions;

(e) **Country task forces.** The recommendation that each treaty body should give due consideration to the idea of establishing country task forces and a country rapporteur for the consideration of State party reports was reiterated;

(f) **Role of the country rapporteurs.** Based on the experience of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, the country rapporteurs and/or country task forces, as relevant, should increasingly contribute to the preparation of the dialogue with a State party. That could be done, for example, through the circulation of a note by the rapporteur prior to the session and through prior consultation and coordination among members on issues they wish to raise.

11. In resolution 68/268, the General Assembly encouraged treaty bodies "to collaborate towards the elaboration of an aligned methodology for their constructive dialogue with the States parties, bearing in mind the views of States parties as well as the specificity of the respective committees and their mandates, with the aim of making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue with States parties" (para. 5).

12. In the Dublin II outcome document[1] recommendations were made for aligning the methodologies for the constructive dialogue with States parties, which formed the basis of the report of the High Commissioner on strengthening the human rights treaty body system (A/66/860). The High Commissioner recommended that the treaty bodies adopt written guidelines containing the following elements:

(a) A maximum of two meetings (six hours) should be allocated for the interactive dialogue with a State party. The two meetings should be held on two consecutive days (an afternoon meeting followed by a morning meeting);

(b) Country task forces, taking into account gender and geographical balance, should be established for the examination of State party reports, consisting of between two and five treaty body members, which would prepare the dialogue with a State party, including through prior consultation and coordination and a clear distribution of questions for the constructive dialogue to avoid repetition and overlap. Those coordination tasks could be led by the country rapporteur(s). All country task force members would pose the initial questions and subsequently the

[1] Available online at http://www2.ohchr.org/english/bodies/HRTD/docs/DublinII_Outcome_Document.pdf.

majority of the questions put to the State party, while follow-up questions could be posed by other members of the treaty body not serving on the task force;

(c) The dialogue for periodic reports should focus only on the most significant human rights issues and the follow-up given by States parties to the previous concluding observations and questions should be clustered by themes;

(d) The chairpersons should continue to exercise their power to lead the dialogue effectively, so as to ensure a balanced exchange between treaty body members and the State party delegation and the interactive nature of the dialogue, including through the use of a speech timer;

(e) A maximum of 15 minutes should be allocated for the opening statements of States parties.

III. Existing treaty body practices as regards the constructive dialogue with States parties

13. In this section, the practices of the treaty bodies are analysed in the context of the recommendations endorsed by the chairpersons of the treaty bodies at their twenty-third meeting.

A. Written guidelines for States parties

14. At their twenty-third meeting, the chairpersons of the treaty bodies endorsed the recommendation that each committee elaborate written guidelines for its dialogue with States parties in the context of the reporting process, based on the practice of the Human Rights Committee. They also supported the recommendation that those guidelines be translated into the working languages of the respective committees and that they be transmitted to States parties in advance of the consideration of their reports (A/66/175, annex II, para. 19).

15. Since then, most treaty bodies have outlined their methodology for the constructive dialogue with States parties in their document on working methods. However, there is no set of written guidelines on the constructive dialogue, which is common to all treaty bodies.

B. Length of the constructive dialogue with States parties

16. At their twenty-third meeting, the chairpersons of the treaty bodies endorsed the recommendation that a dialogue with a State party should, as a general rule, be limited to a maximum of two meetings (six hours) (ibid., para.20).

17. All treaty bodies that conduct a constructive dialogue with States parties currently limit the duration of such dialogue to a maximum of two three-hour meetings for periodic reports. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights have maintained three meetings for initial reports. The Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances systematically hold all their meetings relating to the dialogue with a State party over two consecutive days.

C. Time limits on opening statements by States parties

18. At their twenty-third meeting, the chairpersons of the treaty bodies endorsed the recommendation that each treaty body allocate a maximum of 30 minutes for the opening statements of States parties, in order to maximize the use of the time available and allow for a more interactive dialogue with the State party (ibid., para. 21).

19. Seven out of the nine treaty bodies which conduct a constructive dialogue with States parties (the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances) have stipulated time limits for the opening statements of States parties. The Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Persons with Disabilities stipulate time limits of between 20 and 30 minutes. The Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Rights of the Child and the Committee on Enforced Disappearances stipulate a time limit of up to 15 minutes. The Human Rights Committee does not formally stipulate time limits for the opening statements of States parties.

D. Time management of the constructive dialogue with States parties

20. At their twenty-third meeting, the chairpersons of the treaty bodies endorsed the recommendation that they should exercise their power to lead the dialogue effectively so as to ensure a balanced exchange between treaty body members and the State party delegation. The introduction of a time limit for interventions by treaty body members and the responses of States parties was also recommended (ibid., para. 22). The use of a speech timer was further recommended.

21. No treaty body has established detailed and formal parameters for the exercise by the chairperson of her or his authority to lead the dialogue with the objective of ensuring that the dialogue with States parties is balanced and interactive. The Committee on the Elimination of Discrimination against Women is the only treaty body with formally fixed time limits and the use of a timer on interventions by treaty body members and States parties, although the Committee on the Rights of the Child has also practised this for a few sessions. The Committee on Enforced Disappearances formally sets time limits in the form of blocks of 30 to 45 minutes for States parties to respond to questions from the treaty body members, which are raised in two sets of thematic clusters. In other treaty bodies, the chairpersons exercise their discretion in facilitating interventions to ensure they are of a reasonable duration. The Committee on Economic, Social and Cultural Rights has requested the use of a timer for its sessions. The Committee on the Rights of Persons with Disabilities has issued time cards and the secretariat assists in keeping time, so that States parties adhere to the time limits for opening statements (20 minutes) and subsequent time limits for responses to questions.

E. Country task forces, country rapporteurs and speakers' lists

22. At their twenty-third meeting, the chairpersons of the treaty bodies endorsed the recommendation that each treaty body give due consideration to the possibility of establishing country task forces with country rapporteur(s) for the consideration of State party reports. Furthermore, it was recommended that the country rapporteur(s) and/or country tasks forces, as relevant, contribute to the preparation of the constructive dialogue

with States parties, based on the experiences of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child (ibid., paras. 23 and 24).

23. Building on the Dublin II outcome document, in her report the High Commissioner recommended that geographical and gender balance be taken into account in the membership of such task forces which could consist of two to five treaty body members. The High Commissioner also recommended that the task forces prepare the dialogues with States parties, including through prior consultation and coordination of issues and a clear distribution of questions for the interactive dialogue to avoid repetition and overlap. She further recommended that this coordination task be led by the country rapporteur(s). Additionally, while task force members could pose the initial questions and the majority of the subsequent questions, follow-up questions could be posed by other members not serving on the task force (A/66/860, section 4.2.4).

24. All treaty bodies designate country rapporteurs, who play a leading role in the constructive dialogue with States parties. Three out of nine treaty bodies (the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child) establish country task forces for reviewing State party reports, with due regard to geographic and gender balance. However, the Committee on the Elimination of Discrimination against Women does not use the task force system for the consideration of initial reports. At the time of drafting of this report, the Committee on Economic, Social and Cultural Rights was planning to pilot test the use of task forces at its next session.

25. The extent to which country rapporteurs and/or country task forces undertake consultations within the committees and coordinate the dialogue with the relevant States parties varies and no formal guidelines exist on the matter. Of the three treaty bodies that use task forces, two of them (the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child) limit participation in the constructive dialogue to task force members only. In this regard, the Committee on the Rights of the Child encourages members who are not part of the country task force to provide questions to the members of the task force. Members of the Committee who are not members of the country task force may, however, ask follow-up questions for clarification purposes during the time when the State party delegations are responding to the questions of the Committee. In the case of the Committee on the Elimination of Racial Discrimination, the country rapporteur sends a short list of main themes to the State party concerned, with a view to guiding and focusing the constructive dialogue between the State party and the Committee.

F. Focused dialogues with States parties based on priorities and the follow-up to previous concluding observations

26. In resolution 68/268, the General Assembly called on treaty bodies to adopt short, focused and concrete concluding observations reflecting the dialogue with the relevant State party (para. 6). This provision requires treaty bodies to sharpen the constructive dialogue through prioritization and questions which assess the degree of implementation of previous concluding observations.

27. Five out of the nine treaty bodies which conduct a constructive dialogue with States parties (the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on Migrant Workers and the Committee on Enforced Disappearances) attempt to focus on priority issues in their constructive dialogue with States parties. The other four treaty bodies (the Committee on

Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities) have, to varying degrees, adopted an approach which tends to cover comprehensively all substantive provisions of their conventions. All nine treaty bodies take into account the follow-up undertaken by States parties on previous concluding observations during the constructive dialogue with States parties.

G. Thematic clustering of questions in the constructive dialogue with States parties

28. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities formally cluster their questions for the constructive dialogue. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on Migrant Workers and the Committee on Enforced Disappearances use thematic clustering to varying degrees and in an ad hoc manner.

IV. Suggested elements for aligning the methodologies for the constructive dialogue with States parties

29. A significant amount of discussion on aligning the methodologies for the constructive dialogue with States parties has already taken place. This has yielded some degree of alignment, although divergent practices continue to exist in similar processes. Undertaking further alignment along the lines of the existing good practices of treaty bodies would facilitate the engagement of States parties and stakeholders by stipulating common procedures for, and approaches to, the constructive dialogue across treaty bodies.

30. Improved structure, focus, balance and productivity during the dialogue with States parties would allow for a better understanding of the human rights situation in the State party concerned. As a result, treaty bodies would be able to identify more relevant, focused and implementable concerns and recommendations. The engagement of States parties would further improve, as they would have to familiarize themselves with only one methodology for the constructive dialogue. Overall, such an alignment would enhance opportunities for States parties to receive expert advice on how to improve the implementation of recommendations at the national level and hence strengthen compliance with international human rights standards.

31. **Based on existing good practices, the chairpersons could consider endorsing the following elements for the alignment of the constructive dialogue with States parties and recommend them for implementation by their respective treaty bodies:**

(a) Set a limit for the duration of the constructive dialogue with States parties on periodic reports of a maximum of two three-hour meetings and, in principle, conduct those meetings on two consecutive days, commencing in the afternoon of the first day and continuing in the morning of the subsequent day;

(b) Formally stipulate and enforce a time limit of 15 minutes for opening statements by States parties;

(c) The chairpersons should exercise their responsibility to play a greater role in leading the dialogue with States parties, with a view to ensuring a balanced and interactive dialogue;

(d) Use speech timers systematically;

(e) Allocate a time limit of up to six minutes for interventions by treaty body members, except for the introduction by the country rapporteurs;

(f) Establish country task forces, coordinated by the country rapporteurs, consisting of two to five treaty body members, in accordance with the size of the treaty body and with due regard to geographic and gender balance;

(g) Formally empower the country rapporteurs to undertake consultations and allocate questions amongst treaty body members prior to the dialogue with States parties;

(h) Allow all members of treaty bodies, with the exception of nationals of the State party under review, to ask questions in the follow-up to the interventions by the country rapporteurs and members of the country task forces;

(i) Focus the constructive dialogue with States parties on priority issues and the follow-up undertaken by States parties to the previous recommendations and views of the treaty body concerned;

(j) Cluster and sequence the content of the constructive dialogue according to themes, while specifying the corresponding articles in the treaty concerned.

32. **In accordance with the double parameters of the Poznan formula, reflected in paragraph 38 of resolution 68/268, the chairpersons could also endorse the draft guidelines on the constructive dialogue, contained in the annex to the present note by the secretariat, and recommend them for implementation by all treaty bodies.**

Annex

Draft guidelines for States parties on the constructive dialogue*

Human rights treaty bodies consider a State party report through a constructive dialogue with representatives of the State party concerned. That dialogue helps treaty bodies gain a full understanding of the human rights situation in the State party as it pertains to the treaty concerned. It also serves as the principal basis for the concluding observations of the treaty bodies. The constructive dialogue is an opportunity for States parties to receive expert advice on measures to strengthen compliance with international human rights law through the improved implementation of a treaty at the national level.

Composition of State party delegations for the face-to-face constructive dialogue with treaty bodies

The treaty bodies recommend that the State party delegation for the constructive dialogue is led by a senior official with State authority for the implementation of the respective treaty. It is also recommended that officials with concrete responsibility for, or involvement in, strategic and policy decisions related to the implementation of the respective treaty be included in the State party delegation. The State party should, as far as possible, include representatives from all key government ministries in charge of implementing and monitoring the treaty concerned. Gender balance should be taken into account. The State party may also wish to consider including in its delegation representatives from the parliament and the judiciary.

The reports of States parties are usually considered by treaty bodies in accordance with their dates of submission. Once a date for the consideration of a State party report is set and an invitation has been sent to the authorities concerned, at least six months in advance of the proposed meeting, the meeting cannot be postponed, except for reasons of force majeure, such as a natural catastrophe.

Country rapporteurs and country task forces of treaty bodies

Treaty bodies appoint up to two treaty body members to serve as country rapporteurs. The country rapporteur is the focal point for coordinating the constructive dialogue with the State party delegation. Treaty bodies may also decide to establish a country task force, consisting of two to five treaty body members, for the examination of State party reports. Geographic and gender balance is taken into account in the composition of country task forces.

The country rapporteurs carry the primary responsibility for the preparation of the constructive dialogue with a State party. This includes prior consultation, coordinating the coverage by the treaty body of the issues to be considered and distributing questions for the dialogue amongst the members of the country task force to avoid repetition and overlap. Follow-up questions may be asked by treaty body members who do not serve on the country task force.

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* Once adopted by a treaty body, the present guidelines on the constructive dialogue with States parties will supersede the provisions related to the constructive dialogue contained in pre-existing documents of the respective treaty body.

According to the established practice of all treaty bodies, members who are nationals of a State party being reviewed do not participate in any aspect of the review, including the constructive dialogue. In this regard, see also the Addis Ababa guidelines on the independence and impartiality of members of the human rights treaty bodies (A/67/222 and corr.1, annex I).

Role of the chairpersons of treaty bodies during the constructive dialogue

The chairpersons of the treaty bodies provide overall leadership of the constructive dialogue to ensure the effective development of the dialogue and a balanced and interactive exchange between treaty body members and the State party delegation.

Format of the constructive dialogue

Treaty bodies allocate two open and public meetings of a maximum of three hours each to the constructive dialogue with the State party delegation on periodic reports. The review of an initial report may take up to a maximum of three meetings of three hours each. To the extent possible, the two meetings allocated to the constructive dialogue on a periodic report are held over two consecutive working days, starting in the afternoon of the first day (3–6 p.m.) and continuing in the morning of the second day (10 a.m.–1 p.m.).

Focus of the dialogue

During the constructive dialogue on an initial report, the treaty bodies cover most or all of the treaty provisions, in order to allow for the fullest understanding of the situation in the country concerned. The constructive dialogue on periodic reports, on the other hand, prioritizes the implementation by the State party of the previous recommendations and new issues in the State party under review which the treaty body deems most important and urgent.

Thematic clustering of the dialogue

Questions put by treaty body members are thematically clustered, in accordance with the substantive provisions of the respective treaty. After treaty body members pose questions under a given thematic cluster, the State party is given an opportunity to respond; the next round of questions and answers follows and so on, until all the clusters have been covered. Treaty body members may pose follow-up questions during the response of the State party.

Time allocations

The chairperson of a treaty body manages the time, with a view to ensuring the balanced and interactive nature of the dialogue, including respect for time limits by both State party delegations and treaty body members.

The time allocated to the State party includes the opening statement, replies to questions from treaty body members and the closing statement. The opening statement made by the head of the State party delegation is limited to 15 minutes and the closing statement should not exceed 5 minutes. Responses by States parties should be focused and concise.

Languages used during the constructive dialogue

Pursuant to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, the treaty bodies will use three official working languages, with a fourth official language provided on an exceptional basis to facilitate communication among treaty body members, as determined by the committee concerned and without prejudice to the right of each State party to interact, both orally and in writing, with the treaty bodies in any of the six official United Nations

languages (Arabic, Chinese, English, French, Russian and Spanish). Should a State party delegation wish to bring its own interpreters to interpret into a language other than one of the official languages, this should be brought to the attention of the secretariat at least four weeks prior to the constructive dialogue.

Public nature of meetings

State party reviews by treaty bodies are undertaken in public meetings. For these types of meetings, the United Nations provides meeting summaries, prepared by the Department of Public Information, and summary records in one of the working languages of the treaty body. At the request of a State party, a summary record can be translated into another official United Nations language used by the State party.

Observers, such as representatives of the United Nations and of civil society, academics and others, may attend public meetings, as long as participants have received an accreditation in advance. It is not necessary for observers to be accredited with the Economic and Social Council in order to attend the public meetings of treaty bodies. Webcasting, audio taping and filming are allowed for public meetings, as long as they do not interfere with the dialogue.

Background documentation

All background documentation pertaining to State party reviews by treaty bodies are accessible on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org). No copies are distributed in the meeting room. Wireless Internet access is provided in the meeting rooms where treaty body sessions are conducted.

Accreditation

States parties are requested to submit a list of members of their delegation by note verbale to the respective treaty body secretariat no later than two weeks prior to the start of the session, so that arrangements can be made for the issuance of ground passes to enter United Nations premises. Members of delegations with disabilities can identify her or his accommodation needs, as explained in the guidance note (http://goo.gl/g6f6Gh). Subject to confirmation by the respective secretariats, the ground passes may generally be collected on the Friday prior to the commencement of the respective treaty body session at the security desks at Palais Wilson or the Pregny Gate at the Palais des Nations.

Technical briefings by the secretariats of the treaty bodies

The secretariats of the treaty bodies conduct technical briefings for States parties prior to each treaty body session to provide any further information that may be required by States parties prior to the constructive dialogue.

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Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the decisions of the twenty-fifth meeting of chairpersons of the human rights treaty bodies pertaining to the harmonization of working methods

Simplified reporting procedure

Note by the secretariat

Summary

The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, encouraged the human rights treaty bodies, inter alia, to offer to States parties for their consideration the simplified reporting procedure and to set a limit on the number of the questions included. The General Assembly also encouraged States parties to consider the possibility of using the simplified reporting procedure, when offered, to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations.

The present note by the secretariat contains an overview of existing practices of the treaty bodies that have adopted a simplified reporting procedure (also known as the list of issues prior to reporting procedure). The second part of the note outlines the parameters that the chairpersons might wish to consider with a view to harmonizing and generalizing the simplified reporting procedure. The last part of the note suggests elements for endorsement by the chairpersons, based on good practices identified and the contents of General Assembly resolution 68/268.

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I. Introduction

1. The General Assembly, in its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, "encourages the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods".

2. In the same resolution, the General Assembly recognized "the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress made by States parties to respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties". It also recognized "the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system". Further, the Assembly emphasized "that strengthening and enhancing the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and international human rights instruments establishing treaty bodies", and recognized in that regard "the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning".

3. In the light of the above, the General Assembly "encourages the human rights treaty bodies to offer to State parties for consideration the simplified reporting procedure and to set a limit on the number of the questions included". It also "encourages States parties to consider the possibility of using the simplified reporting procedure, when offered, to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations". It further establishes "word limits for all State party documentation submitted to the treaty body system, including State party reports, of 31,800 words for initial reports, 21,200 words for subsequent periodic reports and 42,400 words for common core documents, as endorsed by the treaty bodies, and calls upon the treaty bodies to set a limit on the number of questions posed, focusing on areas seen as priority issues to ensure the ability of States parties to meet the aforementioned word limits". The present note by the secretariat is submitted pursuant to those provisions.

4. The State party review by the treaty bodies consists of four components which build on one another: the submission by the State party of its initial or periodic report; the constructive dialogue between the State party and the committee; the concluding observations; and the follow-up to those observations. The State party review forms a continuum and each cycle builds on the preceding one. Hence, the present note by the secretariat should be read in conjunction with the notes by the secretariat on the constructive dialogue (HRI/MC/2014/3) and on concluding observations (HRI/MC/2014/2).

5. The nine core international human rights treaties that establish a reporting procedure for States parties do not specify the methodology for the State party review. The simplified reporting procedure is currently known as the "list of issues prior to reporting procedure". Under the procedure, a treaty body sends a list of issues prior to reporting to a State party which has accepted the procedure. The replies of the State party to the list of issues prior to reporting, together with a common core document, constitute the State party report, and a State party that reports under this procedure will have fulfilled its reporting obligations under the treaty. No further written information is required from the State party until the dialogue with the treaty body, as the practice of transmitting a list of issues following the

receipt of the report of the State party is eliminated. The constructive dialogue is conducted on the basis of the report of the State party in reply to the list of issues prior to reporting. As compared to the traditional reporting procedure, the simplified reporting procedure eliminates one of the two reporting steps in the State party review, namely the written replies of the State party to the list of issues transmitted once a State party report has been submitted.

6. The simplified reporting procedure streamlines and enhances the State party review by rendering it more focused and effective, as both the constructive dialogue and concluding observations focus on areas that the treaty body concerned sees as priority areas for consideration in a given State party at a given point in time.

7. The simplified reporting procedure decreases the reporting workload for States parties without compromising the quality of the review. States that opt in to the simplified reporting procedure are no longer required to submit both a report and written replies to a list of issues. Furthermore, as the State is responding to a list of issues prior to reporting, its report is easier to prepare and more focused. Replying to questions also facilitates the distribution of tasks at the national level with respect to the preparation of the State party report. The targeted, precise and implementable concluding observations which the simplified reporting procedure yields will in turn facilitate follow-up by the State party. Furthermore, the volume of documentation decreases while the depth and scope of the consideration of the State party report is maintained.

8. The simplified reporting procedure also presents significant advantages for treaty bodies. It allows them to conduct a more targeted analysis of human rights concerns through the list of issues prior to reporting. The constructive dialogue and eventual assessment of the human rights situation is facilitated by the receipt of State party reports that are more focused and that contain precise information. The simplified reporting procedure further allows treaty bodies to re-engage with States parties that, usually due to a lack of capacity, are long overdue in submitting their periodic report. In addition to addressing the lack of compliance, the simplified reporting procedure strengthens the ability of the treaty bodies to follow up on previous concluding observations. It further streamlines the workload of committees and enhances their capacity to address the backlog by reviewing more States parties through the elimination of one step from the reporting procedure, as explained above.

9. The present note by the Secretariat contains an overview of the existing practices of the treaty bodies that have adopted a simplified reporting procedure, some under the term "list of issues prior to reporting", namely: the Committee against Torture (adopted in 2007), the Human Rights Committee (adopted in 2009), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted in 2011) and the Committee on the Rights of Persons with Disabilities (adopted in 2013). The second part of the note lays out the parameters which the chairpersons may wish to consider with a view to generalizing and aligning the simplified reporting procedure.

II. Background

10. A number of meetings and United Nations documents have examined the simplified reporting procedure, sometimes using the term "list of issues prior to reporting".

11. The chairpersons of the human rights treaty bodies, in their statement adopted at the informal consultation in Washington, D.C., on 1 February 2014 in the context of the treaty body strengthening process, reaffirmed their commitment to the harmonization and improvement of working methods by treaty bodies, both individually and collectively. In that context, the chairpersons indicated that several treaty bodies had already adopted the

simplified reporting procedure and that other treaty bodies were considering the possibility of implementing the procedure.

12. At their twenty-second annual meeting, in 2011, the chairpersons of the human rights treaty bodies endorsed the following points of agreement (A/65/190, para. 33):

(a) All treaty bodies are encouraged to consider whether the list of issues prior to reporting procedure could be applicable to them;

(b) Human, technical and financial resources should be allocated to the secretariat for the preparation of lists of issues prior to reporting for those treaty bodies that adhere to that practice in order to enhance the capacity of the secretariat to meet the analytical requirements;

(c) National human rights institutions and civil society, including non-governmental organizations, play an essential role with regard to the preparation of lists of issues prior to reporting, and their active participation in the process is encouraged;

(d) The Committee against Torture and the Human Rights Committee are requested to report on its experiences in implementing the list of issues prior to reporting. No report has been submitted by either committee and the issue has not been discussed further.

13. In 2012, the United Nations High Commissioner for Human Rights, in her report on the strengthening of the human rights treaty bodies, encouraged the treaty bodies that had not yet introduced the optional simplified reporting procedure to adopt it, irrespective of their current backlogs, together with a model questionnaire (list of issues prior to reporting) with a maximum of 25 questions/2,500 words (A/66/860, sect. 4.2.1). She suggested that such a questionnaire could request from States parties:

(a) Information on follow-up to and implementation of the previous recommendations of the Committee. The information provided on measures taken by the State party to implement the previous recommendations and provisions of the treaty should cover, as appropriate, the following areas: (i) policy; (ii) legislative; (iii) judicial; (iv) institutional; (v) programme and project; (vi) budgetary; and (vii) other;

(b) Information on the adoption of other measures and recent developments relating to the implementation of the treaty. For this component no question would be posed, but space would be provided for the response of the State party;

(c) Responses to specific questions on developments that have occurred in the State party since the previous review.

14. The High Commissioner also recommended that States parties consider positively the option of the simplified reporting procedure where it is offered by treaty bodies (ibid.). She further encouraged United Nations entities, national human rights institutions, civil society organizations and other interested stakeholders to submit focused information, following the format of the questionnaire, to the relevant treaty bodies, in accordance with the deadlines established by those treaty bodies.

III. Existing simplified reporting practices

15. While the purpose and principles for its adoption have been similar, the practical application of the simplified reporting procedure varies among the treaty bodies that have adopted the procedure.

A. Committee against Torture

16. At its thirty-eighth session, in May 2007, the Committee against Torture adopted the list of issues prior to reporting procedure on a trial basis. The Committee decided to apply the procedure to all periodic reports, with the exception of periodic reports that had already been submitted and were awaiting consideration, and regardless of the number of years the report was overdue. At the same session, the Committee met with States parties to introduce and discuss the new procedure, which does not apply to initial reports.

17. The Committee against Torture invites States parties to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment to accept the list of issues prior to reporting procedure by sending them a note verbale as their periodic report becomes due, and also includes an invitation in its concluding observations. As at 15 March 2014, 114 States parties had been invited to accept the simplified reporting procedure; 79 had accepted the procedure; 5 did not accept the procedure and 30 had not yet responded. Among the States parties that had accepted the procedure, 44 had submitted their periodic reports under the simplified reporting procedure, 24 of which had already been reviewed by the Committee. A total of 10 State parties were expected to be reviewed under the procedure in 2014. Of the 44 reports submitted under the simplified reporting procedure, 11 were submitted before the due date, 12 were submitted within three months following the due date, and 17 were submitted within a year following the due date.

18. Under the list of issues prior to reporting procedure, 36.5 per cent of the State party reports that have come due were submitted on time. This figure is significantly higher than that under the traditional reporting procedures (16.5 per cent). Furthermore, the number of periodic reports of States parties under the list of issues prior to reporting procedure is increasing, while the number of periodic reports of States parties under the traditional reporting procedure is decreasing (see table 1).

Table 1
Trend of reports submitted under the traditional versus the simplified reporting procedure (Committee against Torture, 2009-2013)

	2009	*2010*	*2011*	*2012*	*2013*	*Total*
Number of periodic reports submitted under the traditional reporting procedure	12 (75%)	5 (38%)	5 (45%)	3 (20%)	2 (13%)	27 (39%)
Number of periodic reports submitted under the list of issues prior to reporting procedure	4 (25%)	8 (62%)	6 (55%)	12 (80%)	13 (87%)	43 (61%)
Total	**16**	**13**	**11**	**15**	**15**	**70**

19. When it started to implement the new procedure, the Committee against Torture prepared and transmitted the list of issues prior to reporting to the States parties whose reports would be due in two years or more, regardless of the explicit agreement of the State party to the procedure. The objective at the time was to provide a concrete example to States parties of a list of issues prior to reporting, as there was no precedent. At its forty-second session, in May 2009, the Committee decided to amend its approach. Instead of sending the list of issues prior to reporting concurrently with the request for acceptance of the procedure by the State party, the Committee started to transmit the list of issues prior to reporting only after the State party had agreed to the procedure.

20. The format of the list of issues prior to reporting used by the Committee against Torture is contained in annex I of the present note. It consists of two main sections: (a) specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the previous recommendations of the Committee; and (b) general information on the national human rights situation, including new measures and developments relating to the implementation of the Convention. The first section contains specific issues/questions, organized by the respective articles of the Convention. If recent concluding observations of the Committee exist, they constitute the basis for the list of issues prior to reporting. The list further contains a subsection which addresses any other issues not directly related to specific substantive articles of the Convention, such as specific declarations under articles 20, 21 and 22 of the Convention, reservations and other declarations, ratification of the Optional Protocol to the Convention and the situation of non-governmental organizations, among others.

21. The second section includes one consolidated standard paragraph inquiring about new measures and developments relating to the implementation of the Convention. This section prevents the possible omission of relevant residual issues in the list of issues prior to reporting or by the State party in its replies. It ensures that the information provided by the State party is as complete as possible and that the information in the replies is as relevant as that which would be found in a traditional State party report. It also allows for the State party to mention whatever other issue it considers relevant. This section therefore defuses the criticism that the list of issues prior to reporting procedure limits the freedom of States parties to provide information to the Committee.

22. The Committee against Torture prepares the list of issues prior to reporting and transmits it to the State party between 18 and 24 months before the due date for the submission of the State party report. Once the Committee receives a report under the procedure, it schedules the examination of the report as soon as possible to ensure that the report remains current and no later than 18 months after submission. When scheduling reviews, the Committee does prioritize initial reports over reports submitted under the list of issues prior to reporting procedure.

23. In its concluding observations, the Committee encourages States parties that have not yet done so to accept the list of issues prior to reporting procedure. States parties that have accepted the procedure are reminded to continue to submit their reports thereunder.

24. The Committee against Torture has devoted a page on the OHCHR website to the list of issues prior to reporting procedure, with a view to implementing the procedure in an open and transparent manner and facilitating the participation of national human rights institutions and civil society organizations, including non-governmental organizations, in the process.[1] The webpage lists the status of the acceptance of the procedure by States parties. It also lists the States parties that have received a list of issues prior to reporting, the due dates for their replies, and the reports that have been submitted under the procedure.

25. At its forty-sixth session, in May 2011, the Committee against Torture proposed options to improve the list of issues prior to reporting procedure and the related working methods of the Committee for further consideration (CAT/C/47/2). Key options include: (a) the possible application of the procedure to initial reports; (b) the adoption of lists of issues prior to reporting for all States parties that report regularly and cooperate with the Committee in all its procedures, including the provision of follow-up reports; (c) the adoption of a new procedure on the review of a State party in the absence of a report and its implementation in conjunction with the list of issues prior to reporting procedure; (d) the

[1] http://www.ohchr.org/EN/HRBodies/CAT/Pages/ReportingProcedures.aspx

limitation of the number of issues in the list of issues prior to reporting to 30 questions or paragraphs; and (e) the adoption of succinct guidelines for replies to the list of issues prior to reporting with regard to the format and the quality of information provided by State parties.

B. Human Rights Committee

26. The Human Rights Committee decided to adopt the list of issues prior to reporting procedure at its ninety-seventh session, in October 2009. Under the procedure, the reply of the State party, together with its common core document, constitutes the report submitted under article 40 of the International Covenant on Civil and Political Rights. States parties were given one year to submit their reply to the list of issues prior to reporting.

27. The Committee decided that the procedure would be optional for States parties and that it would apply only to periodic reports and only to States parties whose report was due in 2013 and beyond or whose periodic report was overdue for more than 10 years. It decided to call on State parties in chronological order, based on the due date of the next periodic report. If several reports are due on the same date, priority is given according to the date on which the Committee was informed by the State party of its agreement to the list of issues prior to reporting procedure.

28. As at 17 March 2014, 28 State parties that meet the criteria had accepted the simplified reporting procedure, and the Human Rights Committee had adopted 10 lists of issues prior to reporting and transmitted them to the States parties. By March 2014, three State parties had submitted their reports under the procedure and one State party had been reviewed under the procedure. At the time of writing, the replies of seven State parties were overdue.

29. The format of the list of issues prior to reporting used by the Human Rights Committee is contained in annex II of the present note. It consists of two main sections: (a) general information on the national human rights situation; and (b) specific questions organized by clusters of provisions in the Covenant. The first section contains three standard paragraphs asking the State party to provide information on new developments on the legal and institutional framework; on new political, administrative and other measures taken to promote and protect human rights; and on new measures undertaken and developments in the implementation of the Covenant and the recommendations of the Human Rights Committee. When they exist, recent concluding observations constitute the basis for the list of issues prior to reporting.

30. Notes verbales are sent out annually by the Human Rights Committee to ask State parties that fulfil the criteria to inform the Committee if they wish to opt in to the list of issues prior to reporting procedure. Once a State party agrees to the procedure, the secretariat schedules the adoption of the list of issues prior to reporting at a future session. The Committee prepares and adopts the list of issues prior to reporting and sends it to the State party. States parties are given at least one year to submit their reply, which, along with the common core document, constitutes the State party report.

31. The Committee tries to schedule the review of the report for no later than one year after its submission, to ensure that the report remains current. The report is not scheduled until it is received from the State party. When scheduling State party reviews, initial reports are the only reports that the Committee gives priority to over reports submitted under the list of issues prior to reporting procedure.

32. The Human Rights Committee has devoted a page on the OHCHR website to the list of issues prior to reporting procedure.[2] The webpage lists the status of each State which has agreed to the procedure, including the due date of the State party reports and the date of receipt of those that have been submitted under the procedure, with a view to implementing the procedure in an open and transparent manner and facilitating the participation of national human rights institutions and civil society organizations, including non-governmental organizations, in the process.

33. The Committee is planning to appoint a working group to review the simplified reporting procedure following the five-year pilot period (November 2010 to November 2015).

C. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

34. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted the simplified reporting procedure at its fourteenth session, in April 2011. The replies to the list of issues prior to reporting, together with the common core document, constitute the State party report. Initially, the simplified reporting procedure applied only to periodic reports. Currently, the Committee applies the procedure to both periodic and long-overdue initial reports.

35. The Committee decided at its fifteenth session to examine the reports of States parties according to a reporting calendar (based on the treaty provision setting the periodicity of State reporting) whereby the implementation of the Convention by all States parties would be considered within a five-year reporting cycle as from 2014, with a view to ensuring full compliance by all States parties, on an equal footing, with their reporting obligations under article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In order to ensure compliance with the calendar, at its sixteenth session the Committee amended its provisional rules of procedure to provide for the consideration of States parties in the absence of a report.[3]

36. The Committee started to adopt lists of issues prior to reporting at its sixteenth session, in April 2012. By the end of 2013, eight lists of issues prior to reporting had been adopted. An additional eight such lists have been scheduled for adoption by the Committee in 2014. Five States parties will be reviewed in 2014 based upon the simplified reporting procedure.

37. The list of issues prior to reporting used by the Committee on Migrant Workers consists of three main sections: (a) general information; (b) information relating to each of the articles of the Convention; and (c) additional information. The first section contains questions asking the State party to provide general information on, inter alia, measures taken by the State party to harmonize its legislation with the Convention; national legislation on migration policies; cooperation with civil society organizations in the reporting and implementation process; and ratification of, reservations to and declarations on relevant international treaties. The second section contains specific issues and questions organized by the respective parts of the Convention. The third section contains open-ended questions requesting States parties to provide any additional information that they may wish to include. Under all sections, reference is made to recommendations in prior concluding

[2] http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/OptionalReporting.aspx?TreatyID=1&Lang=En

[3] Rule 31 bis. *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 48* and corrigenda (A/67/48 and Corr.1), para. 26.

observations, with requests for updated information concerning the implementation of relevant parts of the Convention.

38. Shortly after the Committee on Migrant Workers adopted the procedure, a letter was sent to States parties that had pending periodic reports, informing them about the simplified reporting procedure and inviting them to submit their reports under the new procedure. Since its eighteenth session, in April 2013, the Committee has systematically included a standard paragraph in its concluding observations, inviting the State party concerned to avail itself of the simplified reporting procedure. As at 15 March, 17 of 47 States parties had done so.

39. Under the simplified reporting procedure, the Committee adopts and transmits to State parties lists of issues prior to reporting, providing them with a deadline, usually of one year, to submit replies and informing them of the approximate date of the consideration of the report. The reports are scheduled to be considered within 24 months of the date of adoption of the list of issues prior to reporting. For example, the consideration of reports of States parties at the twentieth session, in April 2014, will be based on the lists of issues prior to reporting adopted at the sixteenth session, in April 2012.

D. Committee on the Rights of Persons with Disabilities

40. The Committee on the Rights of Persons with Disabilities adopted the simplified reporting procedure at its tenth session, in September 2013. The procedure is optional and it is applicable only to States parties whose initial reports have already been considered by the Committee; it is not applicable to overdue initial reports. As at 15 March 2014, 9 of the 10 States parties whose initial report had been reviewed by the Committee had accepted the procedure.

41. The Committee will adopt and send the lists of issues prior to reporting to those State parties that have accepted the procedure at least 12 months prior to the due date of the next periodic or combined periodic report. The Committee is expected to adopt its first list of issues prior to reporting in September 2016.

IV. Parameters for consideration by the chairpersons

A. Scope

42. With the exception of the Committee on Migrant Workers, all treaty bodies that have adopted a simplified reporting procedure have limited its scope to periodic reports only. As a result, the periodic reporting procedure has been streamlined and the replies to the list of issues prior to reporting, which together with the common core document constitute the State party report, have become more focused. That in turn has positively influenced the constructive dialogue, enhanced the analysis by treaty body members of human rights situations and concerns and facilitated the drafting of concluding observations.

43. With the exception of the Committee on Migrant Workers, the committees that adopted a simplified reporting procedure decided not to apply the procedure to initial reports, as it was deemed necessary for treaty bodies to receive, under the traditional procedure, a comprehensive initial assessment by the State party of how it is fulfilling its treaty obligations. States parties are further requested to continue to submit a common core document.

44. The Committee on Migrant Workers also applies the simplified reporting procedure to long overdue initial reports. Thus, a number of non-reporting States parties have been prompted to engage in the State party review by submitting replies to the list of issues prior to reporting received. The Committee against Torture, at its forty-seventh session, in November 2011, also considered the possibility of applying the list of issues prior to reporting to long overdue initial reports, given the high number of non-reporting States.

B. Contents of the list of issues prior to reporting

45. Treaty bodies that have implemented a simplified reporting procedure have developed a format for the list of issues sent to States parties prior to the submission of the State party report. The Committee against Torture and the Human Rights Committee have each developed an outline for the list of issues prior to reporting which includes standard paragraphs. The outlines are included in annexes I and II.

46. The list of issues prior to reporting used by the Committee against Torture ranges from 14 to 66 paragraphs, with an average of 39 paragraphs. The list of issues prior to reporting used by the Human Rights Committee ranges from 18 to 29 paragraphs, with an average of 24 paragraphs. The list of issues prior to reporting of the Committee on Migrant Workers ranges from 25 to 39 paragraphs, with an average length of 30 paragraphs.

47. The sources of information that are used by the relevant treaty bodies to prepare lists of issues prior to reporting include:

(a) Previous concluding observations of the treaty body;

(b) Summary records of the consideration of the previous report;

(c) Follow-up information provided by the State party, if any, and any other information provided by States parties;

(d) Follow-up to inquiries undertaken by the Committee, if any;

(e) Follow-up to decisions under the individual complaints procedure, if any;

(f) Previous State party reports to the Committee;

(g) Concluding observations of other treaty bodies, including information provided by the State party to other treaty bodies;

(h) Reports of special procedures, especially visits by relevant special procedures of the Human Rights Council;

(i) Information pertaining to the universal periodic review of the Human Rights Council, including the national report, the compilation of United Nations information, the summary of stakeholders' information and the report of the working group (outcome);

(j) Other relevant sources of the United Nations system;

(k) Reports of regional organizations or mechanisms;

(l) Reports from national human rights institutions;

(m) Reports from civil society organizations;

(n) Any other public sources that the treaty body deems relevant.

C. Implications of the simplified reporting procedure for the reporting cycle

48. In principle, treaty bodies that have been implementing the simplified reporting procedure invite States parties to opt in to the procedure at least two and half years in advance of the due date of the State party report. The list of issues prior to reporting is sent out at least one year before the due date of the State party report. Experience has further brought to bear that the replies to the list of issues prior to reporting, which, together with the common core document, constitute the State party report, should be examined by the treaty body within 12 to 18 months following their receipt, to ensure that the information provided is current when the Committee reviews the State party and to maintain the added value of the simplified reporting procedure for all involved.

49. Although compliance with reporting obligations by States parties is higher under the simplified reporting procedure than under the traditional reporting procedure, experience has shown that some States parties that have opted in to the simplified reporting procedure may still fail to submit their reports or submit them after the specified due date.

D. Implications of the simplified reporting procedure for reporting guidelines for States parties

50. While all committees have guidelines for reporting under the traditional reporting procedure, committees that adopted the list of issues prior to reporting procedure have not yet developed specific guidelines for State party reports under that procedure. The existing reporting guidelines, in particular treaty-specific guidelines, have therefore continued to guide State parties when submitting reports under the simplified reporting procedure. The length and degree of specificity of existing treaty-specific guidelines varies greatly. Some guidelines are technical and can be as short as 2 pages, while others are very detailed and as long as 47 pages. In its resolution 68/268, the General Assembly imposed a limit of 21,200 words on periodic reports, which will take effect on 1 January 2015. States parties reporting under the traditional procedure may then face the impossibility of submitting, within the word limit, a periodic report which complies with very detailed treaty-specific reporting guidelines.

E. Time frame for the implementation of the simplified reporting procedure

51. Most committees currently have an in-hand backlog of reports submitted under the traditional reporting procedure. It is estimated that the backlog of all committees will be eliminated within one to three years, taking into account the additional meeting time granted by the General Assembly in its resolution 68/268, as indicated in the table below.

Table 2
Current status of backlog and approximate projection for its elimination, as at 20 March 2014

	Number of States parties	*Reporting periodicity*	*Number of State parties to be reviewed per week*	*Backlog*	*Estimated number of State party reviews per year*[a]	*Estimated year of absorbing the backlog*[a]
Committee on the Elimination of Racial Discrimination	176	4[b]	2.5	22	25	2016
Committee on the Rights of the Child	193 154 (OPAC) 166 (OPSC)	5	3[c]	92	45	2017

	Number of States parties	Reporting periodicity	Number of State parties to be reviewed per week	Backlog	Estimated number of State party reviews per year[a]	Estimated year of absorbing the backlog[a]
Committee on the Rights of Persons with Disabilities	143	4	2.5	49	20	2017
Committee on Enforced Disappearances	42	6[d]	2.5	7	10	N/A
Committee on Economic, Social and Cultural Rights	161	5	2.5	42	25	2017
Committee on the Elimination of Discrimination against Women	187	4	2.5	39	37	2016
Committee on Migrant Workers	47	5	2.5	0	9	2015
Committee against Torture	154	4	2.5	29[e]	23	2015
Human Rights Committee	167	4	2.5	37	30	2016

[a] Taking into account the additional meeting time and based on the prescribed productivity ratio.

[b] Although a two-year periodicity is specified in the treaty, the International Convention on the Elimination of All Forms of Racial Discrimination allows the consolidation of two reports in one, creating a de facto periodicity of four years.

[c] Overall productivity rate for State party reviews under the Convention and its Optional Protocols.

[d] According to the treaty, subsequent reports should be submitted as requested by the Committee on Enforced Disappearances (art. 29, para. 4). In recent concluding observations, the Committee has requested that the next report be submitted by no later than six years after the adoption of the current concluding observations.

[e] Of the 29 reports pending consideration, 21 were submitted under the list of issues prior to reporting procedure.

V. Suggested elements for endorsement by the chairpersons

52. **Following the practice by four committees and in accordance with General Assembly resolution 68/268, in which the Assembly encouraged treaty bodies to offer the simplified reporting procedure to States parties, the chairpersons could endorse the suggestion to generalize the simplified reporting procedure and recommend its implementation, as soon as possible, to their respective treaty bodies with respect to all new due reports.**

53. **In accordance with the double parameters of the Poznan formula, reflected in General Assembly resolution 68/268, the chairpersons could endorse and recommend for implementation by treaty bodies the limitation of the simplified reporting procedure to periodic reports.**

54. **The chairpersons could further endorse and recommend for implementation by their respective treaty bodies the draft common format for the list of issues prior to reporting (annex III), with a limit on the number of questions asked (25 questions).**

55. **The chairpersons may also wish to reconsider the need for the existing treaty-specific guidelines, given the simplified reporting procedure and word limit on State party reports.**

Annexes

Annex I

Outline of a list of issues prior to reporting used by the Committee against Torture

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the previous recommendations of the Committee

Questions by article, cluster of articles or cluster

- Articles 1 and 4
- Article 2
- Article 3
- Articles 5–9
- Article 10
- Article 11
- Articles 12 and 13
- Article 14
- Article 15
- Article 16
- Other issues

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

- Please provide detailed information on any relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the recommendations of the Committee. This may include, inter alia, institutional developments, plans or programmes, including resources allocated, and statistical data or any other information that the State party considers relevant.

Annex II

Outline of a list of issues prior to reporting used by the Human Rights Committee

General information on the national human rights situation

- Please provide detailed information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
- Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results.
- Please provide any other information on new measures taken to disseminate and implement the previous recommendations of the Committee, including any necessary statistical data.

Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

- Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)
- Counter-terrorism measures and respect for rights guaranteed in the Covenant (arts. 2, 7, 9, 14 and 26)
- Equality and non-discrimination (arts. 2 and 26)
- Violence against women (arts. 2, 3, 7 and 26)
- Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and rights of non-citizens (arts. 3, 6, 7, 9 and 13)
- Elimination of slavery and servitude (art. 8)
- Treatment of persons deprived of their liberty, independence of the judiciary and fair trial (arts. 2, 9, 10 and 14)
- Protection of the rights of children (arts. 7 and 24)
- Discrimination and incitement to discrimination, hostility or violence (arts. 20 and 26)
- Equality and non-discrimination, right to participate in public life and the protection of the rights of persons belonging to ethnic minorities (arts. 2, 25, 26 and 27)

Annex III

Draft common format of a list of issues prior to reporting

A. Specific information on the implementation of the recommendations of the Committee contained in the previous concluding observations

(a) Measures taken to implement the recommendation contained in [eg: paragraph 12]

(b) Measures taken to implement the recommendation contained in [eg: paragraph 13]

(c) Measures taken to implement the recommendation contained in [eg: paragraph 14]

(d) Measures taken to implement the recommendation contained in [eg: paragraph 15]

(e) Measures taken to implement the recommendation contained in [eg: paragraph 16]

(f) Measures taken to implement the recommendation contained in [eg: paragraph 17]

Etc., to include all the recommendations of the concluding observations.

B. Specific information on the implementation of the provisions of the [Convention/Covenant...]

Please provide detailed information on any relevant legislative, administrative, judicial or other measures taken, in addition to those mentioned in the previous section, to implement the provisions of the [Convention/Covenant...]. This may include, inter alia, institutional developments, plans or programmes and the resources allocated, statistical data or any other information that the State party considers relevant.

C. General information on other/new measures and developments relating to the implementation of the [Convention/Covenant...] or on the human rights situation in the State party

Please provide detailed information on any other relevant measures taken in addition to those mentioned in the two previous sections. This may include any other information that the State party considers relevant.